



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,403	05/22/2000	Jeremy P. Chaney	REALNET.105A	1910

20995 7590 05/16/2003

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

PHAM, KHANH B

ART UNIT	PAPER NUMBER
----------	--------------

2177

8

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,403

Applicant(s)

CHANNEY ET AL.

Examiner

Khanh B. Pham

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed March 25, 2003 have been enter. Claims 1, 9, 17, and 19 have been amended. Claims 20-37 have been added.

Claims 1-37 are pending in this Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 24 is rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites the limitation "**the system**" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2177

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-29 are rejected under 35 U.S.C. 102(e)** as being anticipated by Hempleman et al. (US 6,243,725 B1).

As per claim 1, Hempleman teaches a method for organizing and grouping metadata comprising:

- “selecting a set of fields of metadata” at Col. 8 lines 25-47;
- “selecting a category property set from a plurality of category property set, wherein each of the category property sets defines the data fields for a selected category of content files” at Col. 8 lines 25-47;
- “designating at least a portion of the set of fields of metadata as being related to the category property set so as to create a set of property set fields” at Col. 8 lines 25-47;
- “selecting a first display set” at Fig. 4C;
- “designating at least a portion of the set of category property set fields as being related to the first display set so as to create a set of first display set fields” at Fig. 4C;
- “selecting a second display set” at Fig. 4G;
- “designating at least a portion of the set of category property set fields as being related to the second display set so as to create a set of second display set field” at Fig. 4G.

- “in response to selecting the category property set, displaying at least a portion of the first and second display set field” at Figs. 4C and 4G.

As per claim 2, Hempleman teaches the method of claim 1, wherein “a property set field may be related to more than one display set” at Fig. 4C and 4G;

As per claim 3, Hempleman teaches the method of claim 1, wherein “a display set may be related to more than one property set field” at Fig. 4C and 4G;

As per claim 4, Hempleman teaches the method of claim 1, wherein “selecting a set of fields of metadata includes:

- “creating new fields of metadata” at Col. 8 lines 25-47;
- “using existing field of metadata” at Col. 8 lines 25-47;
- “creating new fields of metadata and using existing fields of metadata” at Col. 8 lines 25-47.

As per claim 5, Hempleman teaches the method of claim 1, wherein “selecting a property set includes: creating a new property set; or using an existing property set” at Col. 6 lines 24-30 and Col. 8 lines 25-47.

As per claim 6, Hempleman teaches the method of claim 1, wherein “selecting a first display set includes: “creating a new display set or using an existing display set” at Col. 6 lines 24-30.

As per claim 7, Hempleman teaches the method of claim 1, wherein “selecting a second display set includes: “creating a new display set; or using an existing display set” at Col. 6 lines 24-30.

As per claim 8, Hempleman teaches the method of claim 1, further comprising:
“storing at least one of the set of field of metadata, the property set, the set of property fields, the first display set, the set of first display set field, the second display grouping, or the set of second display set field in a database” at Col. 4 lines 35-65.

As per claim 9, Hempleman teaches a method for organizing metadata comprising:

- “in response to a user request, creating a category property set, wherein each of the category property sets defines the data fields for a selected category of content files” at Col. 8 lines 25-47;
- “selecting a set of metadata fields related to the category property set” at Col. 8 lines 25-47;
- “creating a set of display grouping” at Fig. 4C;
- “grouping the selected set of metadata fields into at least one of the display groupings to form metadata field grouping” at Fig. 4C.

As per claim 10, Hempleman teaches the method of claim 9, further comprising:
“storing the property set, the set of display groupings, and the metadata field grouping in a database” at Col. 4 lines 35-65.

As per claim 11, Hempleman teaches a method for dynamically display a set of metadata comprising:

- “receiving a category property set wherein the category property set is associated with a set of display groupings and a set of metadata fields

wherein the metadata fields are related to at least one of the display groupings” at Col. 8 lines 25-47;

- “generating a display structure comprising display grouping structures that are based at least in part upon the set of display groupings” at Fig. 4C;
- “populating the display groupings with metadata field structures wherein the metadata field structures are related to at least one of the metadata fields” at Figs. 4C and 4G;
- “receiving a set of metadata field data related to the set of metadata field” at Col. 8 lines 25-47 and Figs 4C, 4G;
- “populating the metadata field structures with the related metadata field data at Figs. 4C and 4G;
- “display the display structure” at Figs. 4C and 4G.

As per claim 12, Hempleman teaches the method of claim 11, wherein “receiving a set of metadata field data includes: “sending a request for metadata field data to a metadata database, and receiving a set of metadata field data from the metadata database related to the request” at Col. 4 lines 54-64.

As per claim 13, Hempleman teaches a method for allowing a user to edit metadata using a graphical user interface comprising:

- “querying a metadata database for a set of metadata” at Col. 4 lines 55-65;

- “dynamically displaying the set of metadata in a display window in a graphic user interface wherein the set of metadata data is organized into category sets and display window groups” at Col. 6 lines 7-13;
- “receiving a request from a user to alter the displayed metadata data” at Col. 6 lines 7-13 and Fig. 3N;
- “processing the request to alter the displayed metadata data” at Col. 6 lines 7-13 and Fig. 3N;
- “updating the display of the metadata data in the display window” at Col. 6 lines 7-13 and Fig. 3N;

As per claim 14, Hempleman teaches the method of claim 13, wherein “processing the request to alter the displayed metadata data includes updating the corresponding metadata data in the metadata database” at Col. 6 lines 15-20.

As per claim 15, Hempleman teaches the method of claim 13, wherein “processing the request to alter the displayed metadata data includes logging the request in a metadata database update log” at Col. 3 lines 65-67.

As per claim 16, Hempleman teaches the method of claim 13, wherein “processing the request to alter the displayed metadata data includes processing the request to alter related metadata data that is not displayed” at Col. 8 lines 25-47.

As per claim 17, Hempleman teaches a metadata editor system comprising;

- “a metadata organization database configured to store category and property information about metadata ” at Col. 8 lines 25-47;

- “a graphical user interface display module configured to display subsets of the metadata wherein the subsets of metadata are organized by display groups, and wherein the types of fields in the display groups are configurable by a user” at Fig. 4G.

As per claim 18, Hempleman teaches the method of claim 17, further comprises “a metadata update module configured to receive updates to the metadata from a user, send the updates to the metadata database, and send the updates to the graphical user interface displayed module” at Col. 6 lines 7-25.

As per claim 19, Hempleman teaches a metadata editor system comprising:

- “means for storing metadata organization data wherein the metadata organization data includes groupings that define subsets of metadata as well as display sets,” at Col. 8 lines 25-47;
- “means for displaying subsets of metadata wherein the subsets of metadata are organized by display set and wherein the type of fields in the display groups are configurable by a user” at Figs. 4C and 4G.

As per claim 20, Hempleman teaches the metadata editor system of claim 17, additionally comprising “a display for displaying the metadata” at Fig. 2, element 12f.

As per claim 21, Hempleman teaches the metadata editor system of claim 17, additionally comprising “a mouse for selecting the metadata” at Fig. 2, elements 12e.

As per claim 22, Hempleman teaches the metadata editor system of claim 19, additionally comprising “a display for displaying the metadata” at Fig. 2, element 12f.

As per claim 23, Hempleman teaches the metadata editor system of claim 19, additionally comprising “a mouse for selecting the metadata” at Fig. 2, element 12e.

As per claim 24, Hempleman teaches a method of customize the display of metadata comprising:

- “identifying a category that classifies at least one content file, wherein the category is associated with a plurality of type of metadata files, and wherein each of types of metadata data fields has associated metadata” at Col. 8 lines 25-47;
- “providing an interface for allowing a user to modify the metadata and the types of metadata field that are associated with the category” at Figs. 4C-4I;
- “in response to user selection, displaying the metadata that is associated with the identified category” at Figs. 4C-4I.

As per claim 27, Hempleman teaches a method for organizing and grouping metadata comprising:

- “selecting, via at least one graphical interface, a category property of the set of fields of metadata as related to the category sets” at Fig. 4C;
- “designating, via at least one graphical interface, at least a portion of the set of fields of metadata as related to the category property set to create a set of property set fields” at Fig. 4C;
- “selecting, via at least one graphical interface, a first display set” at Fig. 4C;
- “designating, via at least one graphical interface, at least a portion of the set of category property set fields as related to the first display set to create a set of first display set fields” at Fig. 4C;

Art Unit: 2177

- “selecting, via at least one graphical interface, a second display set” at Fig. 4G;
- “designating, via at least one graphical interface, at least a portion of the set of category property set fields as related to the second display set to create a set of second display set fields” at Fig. 4G;
- “in response to selecting the category property set, displaying at least a portion of the first and second display set fields” at Figs. 4C, 4G.

As per claim 25, Hempleman teaches the method of claim 27, wherein “the category identifies a genre of music” at Col. 8 lines 45-47.

As per claim 26, Hempleman teaches the method of claim 27, additionally comprising “in response to request from the user, adding a new type of metadata field” at Col. 6 lines 1-30.

As per claim 28, Hempleman teaches the method of claim 27, wherein “a property set field is related to more than one display set” at Figs. 4C and 4G.

As per claim 29, Hempleman teaches the method of claim 27, wherein “a display set is related to more than one property set field” at Figs. 4C and 4G.

6. **Claims 30-37 are rejected under 35 U.S.C. 102(b)** as being anticipated by Contois (US 5,864,868 A).

As per claim 30, Contois teaches a method of modifying the display groups of metadata comprising:

- “Providing a graphical user interface for allowing a user to add a data field to a display group” at Figs. 2-6;

- “displaying the display group having the added data field” at Figs. 2-6.

As per claim 31, Contois teaches the method of claim 30, wherein “the added data field identifies a track name” at Fig. 3.

As per claim 32, Contois teaches the method of claim 30, wherein “the added data field describes a characteristic of an item of music” at Figs. 2-6.

As per claim 33, Contois teaches the method of claim 30, wherein “graphical user interface allows the user to remove data field from the display group” at Fig. 5.

As per claim 34, Contois teaches a program storage device storing instruction that when executed performs the method comprising:

- “providing a graphical user interface for allowing a user to add a data field to a display group” at Figs. 2-6;
- “displaying the display group having the added data field” at Figs. 2-6.

As per claim 35, Contois teaches the same as stated in claim 34, wherein “the added data field identifies a track name” at Fig. 5;

As per claim 36, Contois teaches the same as stated in claim 34, wherein “the added data field describes a characteristic of an item of music” at Col. 9 lines 50-67.

As per claim 37, Contois teaches the same as stated in claim 34 above, wherein “graphical user interface allows the user to remove a data field from the display group” at Fig. 5.

Response to Arguments

7. Applicant's arguments filed March 25, 2003 have been fully considered but they are not persuasive. The Examiner respectfully traverses Applicant's arguments.

Applicant argued that Hempleman does not teach "selecting a set of field of metadata". On the contrary, Hempleman teaches at Col. 8, lines 25-47, the data structure in which a set of field of metadata has been selected to be included in the data structure, the set of field includes: "CD Number, CD Title, Track, Artist Code...etc."

Applicant argued that Hempleman does not teach: "selecting a category property set from a plurality of category property sets, wherein each of the category property sets defines the data fields for a selected category of content files, designating at least a portion of the set of field of metadata as being related to the category property set so as to create a set of property set field". On the contrary, in Fig. 4C, Hempleman shows the category property "Recorder" has been selected from a plurality of category property sets (i.e., "Recorder, PlaylistEditor, PlaylistPlayer, Reports"), and a portion of the set of field (i.e Track, Length, Title) related to the category property "Recorder" is also displayed. Similarly, In Fig. 4G, Hempleman shows another displaying screen where a different category property set has been selected, comprising different set of data fields associated with the category property set.

Applicant argued that Hempleman does not teaches: "selecting a first display set, designating at least a portion of the set of category property set fields as being related to the first display set so as to create a set of first display set fields". On the contrary, in Fig. 4C Hempleman shows the category property "Recorder" has been selected from a

plurality of category property sets (i.e., "Recorder, PlaylistEditor, PlaylistPlayer, Reports"), and a portion of the set of field (i.e Track, Length, Title) related to the category property "Recorder" is also displayed.

Applicant argued that Hempleman does not teaches: "selecting a second display set; designating, at least a portion of the set of category property set fields as being related to the second display set so as to create a set of second display set fields; and in response to selecting the category property set, displaying at least portion of the first and second display set of field". On the contrary, in Fig. 4C, Hempleman shows a portion of the set of field (i.e Track, Length, Title) related to the category property "Recorder". Similarly, In Fig. 4G, Hempleman shows another displaying screen where a different category property set has been selected, comprising different set of data filed associated with the category property set.

Applicant argued that "Hempleman does not teaches or suggest that the types of fields that are stored and displayed may be different depending on the selected category". On the contrary, Fig. 4C and 4B of Hempleman show two different sets of data fields correspond to two different category selections. The examiner also notes that the features upon which applicant relies (i.e., "the type of fields that are stored and displayed may be different depending on the selected category") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In light of the foregoing arguments, the 35 U.S.C 102 rejection is hereby sustained.

Conclusion

8. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(703) 305-9601** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 746-7240.

Application/Control Number: 09/575,403
Art Unit: 2177

Page 15

Khanh B. Pham
Examiner
Art Unit 2177

KBP
May 13, 2003


JEAN R. HOMERE
PRIMARY EXAMINER